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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/042,590	01/09/2002	Michael Renne Ty Tan	10010679-1	6631	
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	ECHNOLOGIES, INC.	EXAMINER			
	ent, DL429 perty Administration	VY, HUNG T			
P.O. Box 7599 Loveland, CO	80537-0599	ART UNIT	PAPER NUMBER		
			2828		
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION Extensions of form may be verified used for the provision of 37 CFR 1.136(s). In the event, however, may a neph be timely fixed if the period for reply is specified above is less than incrementation, reply which the stateory influence of the reply specified above is less than incrementation If the period for reply is period to depose the maximum statutory period vill again, cause the application to become ABANDOMED (39 U.S.C. § 131) - If the period for reply is period to depose the maximum statutory period vill again, and the communication If the period for reply is period to depose the maximum statutory period vill again, and the communication of the period of the period to reply is period to show. In the maximum statutory period vill again, and the communication of the period of the communication of the period of the			Application No.	Applicant(s)
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2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO 948)	1.	. Certified copies of the priority documen	ts have been received	
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Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO 948) Interview Summary (PTO-413) Paper No(s).	TO/LJ ACI	moviedgine it is made of a claim for domest	tic priority under 35 U.S.C	: §§ 120 and/or 121.
) Notice of Draftsperson's Patent Drawing Review (PTO 048)	ttacnment(s)			
) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	│	f References Cited (PTO-892) Draftsperson's Patent Drawing Review (PTO-948) on Disclosure Statement(s) (PTO-1449) Paper No(s) _	4)	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)

Application/Control Number: 10/042,590

Art Unit: 2828

DETAILED ACTION

Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-7 and 14-21, drawn to a vertical-cavity surface-emitting laser classified in class 372, subclass 96.
 - II. Claims 8-13 and 22-31, drawn to a method for making a vertical-cavity surface-emitting laser, classified in class 438, subclass 22.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, unpatentabilities of the group I invention would not necessarily imply unpatentability of the group II, since the device of the group I invention could be made by other and materially different processes from those of the group II, for example, the method of making a distributed Brag reflector (DBR) as recited in claim 8 of group II invention could be used to make a product having different material layers (semiconductor material layers and a sacrificial material layers) arranged alternately, wherein the device recited in claim 1 of group I invention having layers of only one first material.

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Because these inventions are distinct for the reasons given above and have 3.

acquired a separate status in the art as shown by their different classification, the fields

of search are not co-extensive. Therefore, separate examination would be required and

restriction for examination purposes as indicated is proper.

Conclusion

Any inquiry concerning this communication or earlier communications from the 4

examiner should be directed to Hung Vy whose telephone number is (703) 605-0759.

The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If

attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Paul IP can be reached on (703) 308-3098. The fax numbers for the

organization where this application or proceeding is assigned are (703) 308-7722 for

regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-

0956.

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2800

Paul Do

Hung T. Vy Art Unit 2828 January 29, 2003 Page 3